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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/779,135	02/06/2001	James F. Fordemwalt	10002364-1	1457

7590 12/17/2004

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Fort Collins, CO 80527-2400

EXAMINER

KANG, INSUN

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/779,135	Applicant(s) FORDEM WALT ET AL.	
	Examiner Insun Kang	Art Unit 2124	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the RCE amendment filed 11/22/2004.
2. As per applicant's request, claims 1, 8, and 14 have been amended and claim 21 has been added. Claims 1-12 and 14-21 are pending in the application.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-11, 14-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,681,392 to Henry et al. hereinafter referred to as "Henry."

Per claim 8:

Henry teaches:

- installing a device driver and an associated peripheral software designed to accompany the device driver on a client computer over a network ("driver software and other control software required by the peripheral devices," col 1 lines 35-41; see also col 2 lines 6-8 and 49-53).
- providing at least one peripheral installed on a remote computer ("peripheral devices...used on the network," col 1 lines 35-41; col. 6 lines 35-67)

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- a device driver being for said at least one peripheral, and said associated peripheral software being for said at least one peripheral ("driver software and other control software required by the peripheral devices," col 1 lines 35-41; see also col 2 lines 6-8 and 49-53)

Henry discloses a script that is a "list of instructions to automatically install software with specific selections (col. 4 lines 56-67)." The script can be specified to include a particular installation procedure. Therefore, It would have been obvious for one having ordinary skill in the pertinent art to modify Henry's script to directed to read a description file associated with said at least one peripheral ("a script...containing a list of commands...[and] instructions to automatically install software with specific selections," col 4 lines 56-67; see also col 6 lines 23-34) in response to an initialization of said device driver during an installation of said device driver on said client computer ("Standard operating system function calls are used to access the information needed from the remote system...to communicate to the driver being initialized on the remote system, that the install is a remote install," col 5 lines 44-58; col. 4 lines 38-67; col. 5 lines 1-6; col. 6 lines 35-67) and to install said peripheral software on said client computer in response to an installation procedure of said peripheral software included in said description file ("The install program sets values in the remote registry signaling to the driver that the install is a remote install and that any initialization requiring user intervention must be suppressed; col 5 lines 48-58; "determining which software is to be part of the installation and which options are

to be applied...by executing a script file," col 6 lines 21-34; col. 4 lines 38-67; col. 5 lines 1-6) in order to insure installation of the driver and its associated utilities.

Henry further discloses completing installation of the device driver on the client computer ("installation can be completed without rebooting," abstract) as claimed.

Per claim 9:

The rejection of claim 8 is incorporated, and further, Henry teaches:  
- said initialization comprises an operating system call for said device driver to initialize itself ("Standard operating system function calls are used to access the information needed from the remote system...to communicate to the driver being initialized on the remote system, that the install is a remote install," col 5 lines 44-58) as claimed.

Per claim 10:

The rejection of claim 9 is incorporated, and further, Henry teaches: modifying said device driver to read said description file as the script can be specified in a particular way as addressed above ("a script...containing a list of commands...[and] instructions to automatically install software with specific selections," col 4 lines 56-67; see also col 6 lines 23-34) col. 4 lines 38-67; col. 5 lines 1-6; "For a remote install...any initialization requiring user intervention must be suppressed," col 5 lines 48-58; see also col 5 lines 1-18; col 6 lines 23-34) as claimed.

Per claim 11:

The rejection of claim 10 is incorporated, and further, Henry teaches that said at least one peripheral is a printer ("printer driver," col 4 line 49) as claimed.

Per claims 2-6, they are another method versions of claims 8-12, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 8-12 above.

Per claim 7:

The rejection of claim 1 is incorporated, and further, Henry teaches initiating installation of said peripheral by selecting a UNC path name configured to represent said peripheral ("a universal naming convention (UNC) is used," col 5 lines 19-40) as claimed.

Per claims 14 and 17-20, they are the system versions of claims 1,3, and 5-7, respectively, and are rejected for the same reasons set forth in connection with the rejection of claims 1,3, and 5-7 above.

Per claim 15:

The rejection of claim 14 is incorporated, and further, Henry teaches that said initialization is configured to invoke an initialization entry point configured to point to said description file ("Standard operating system function calls are used to access the information needed from the remote system...to communicate to the driver being initialized on the remote system; that the install is a remote install," col 5 lines 44-58;

"For a remote install...any initialization requiring user intervention must be suppressed," col 5 lines 48-58; see also col 5 lines 1-18; col 6 lines 23-34; "The install program sets values in the remote registry signaling to the driver that the install is a remote install and that any initialization requiring user intervention must be suppressed; col 5 lines 48-58; "determining which software is to be part of the installation and which options are to be applied...by executing a script file," col 6 lines 21-34; col. 4 lines 38-67; col. 5 lines 1-6) as claimed.

Per claim 16:

The rejection of claim 14 is incorporated, and further, Henry teaches that said at least one processor is further configured to install said associated peripheral software according to an installation procedure included in said description file ("The install program sets values in the remote registry signaling to the driver that the install is a remote install and that any initialization requiring user intervention must be suppressed; col 5 lines 48-58; "determining which software is to be part of the installation and which options are to be applied...by executing a script file," col 6 lines 21-34; col. 4 lines 38-67; col. 5 lines 1-6) as claimed.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,681,392 to Henry et al. hereinafter referred to as "Henry" in view of Applicant's Admitted Prior Art (hereinafter referred to as "APA") disclosed in the instant application.

Per claims 6:

The rejection of claim 1 is incorporated, and further, Henry does not explicitly teach initiating installation of the peripheral by activating an icon representing the peripheral as claimed. APA discloses that it was known in the art of software distribution and installation, at the time applicant's invention was made, to install a peripheral device remotely such as those disclosed in Henry, by using an icon representing the peripheral ("Any user on the network may install a device driver for a selected peripheral by selecting an icon representing that peripheral," pg 3 lines 1-9 in APA) so that selection of the desired device to install and locating its device driver can be easily accomplished. It would have been obvious for one of ordinary skill in the art of computer software development and distribution to modify Henry's disclosed system to use an icon disclosed in APA for initiating installation of the peripheral by simply clicking the icon representing the peripheral. The modification would be obvious because one of ordinary skill in the art would be motivated to use an icon so that installation of network



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peripheral can be done easily without requiring a user to search the desired peripheral and the location of its device driver.

Per claim 12:

It is another method version of claim 6, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 6 above.

Per claim 19:

It is the system version of claim 6, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 6 above.

### ***Response to Amendment***

7. The amendment to the claims filed on 11/22/2004 does not comply with the requirements of 37 CFR 1.121(c) because: In claim 1 of the amendment, "an" in associated peripheral software" in line 2 was presented in the previous version but is missing.

### ***Response to Arguments***

8. Applicant's arguments filed 11/22/2004 have been fully considered but they are not persuasive.

Per claims 1, 8, and 21:

The Applicant recites that:

There is nothing in Henry that teaches or suggests installing a program that is separate from a driver but designed to accompany the driver in response to initializing the driver on the client computer (page 11).

In response to the applicant's argument, any utilities or programs that can be related to a specific driver can be considered to be "separate from a driver but designed to accompany the driver." Henry specifically teaches that "Install engine 702 retrieves a list of software to install from installation GUI 701 during the installation process for determining which software is to be part of the installation and which options are to be applied," col. 6 lines 23-33 and "software and options for installation on the remote system are determined.... so the software includes printer drivers and network utilities. Either or both of these types of software may be installed according to certain installation options," col. 4 lines 46-67). Therefore, it is clear that software that may be part of the installation and the utilities can be considered to be a program that is separate from a driver but designed to accompany the driver. Further, Henry defines that "a script is a name for a macro or batch file containing a list of commands that can be executed without user interaction... a script is a list of instructions to automatically install software with specific selections (col. 4 lines 56-67 and col. 5 lines 1-6)" and recites that "Install engine 702 retrieves a list of software to install from installation GUI 701 during the installation process for determining which software is to be part of the installation and which options are to be applied (col. 6 lines 23-33)." The script can be specified to include a particular installation procedure. Therefore, Henry's script can be read to install the program in response to the initialization of the driver.

The applicant further recites that:

There is also nothing in Henry that teaches or suggests completing the installation of a device driver after installing a separate program installed in response to initializing the driver (page 11).

In response to the applicant's argument, Henry discloses completing the installation of a device driver on the client computer ("installation can be completed without rebooting," abstract).

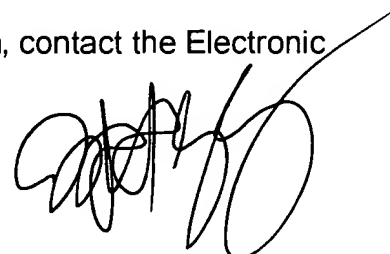
Accordingly, in view of the broadest reasonable interpretation above, Therefore, the rejection of claim 1 is considered proper.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 571-272-3724. The examiner can normally be reached on M-F 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 571-272-3719. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

I. Kang  
Examiner  
AU 2124



**TODD INGBERG**  
**PRIMARY EXAMINER**